

Andrew Jackson to Tennessee Legislature, December 18, 1835, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

TO A. O. P. NICHOLSON AND OTHERS.¹

¹ Handwriting of Maj. W. B. Lewis, with corrections by A. J. Donelson. The indorsement shows that it was addressed to "A. O. P. Nicholson, Mr. Gordon, Mr. Brown, and Messrs. Craighead and Hickman of the Tennessee legislature". The slipshod reasoning is quite in Lewis's manner.

Washington, December 18, 1835.

Sir, Having understood that exceptions have been taken to the liberty I took, in addressing to some of my fellow citizens, the extra Globes which contained Col. Bentons speeches, enforcing the adoption of his resolutions to expunge from the journals of the senate certain proceedings of that body, condemning my conduct in the removal of the deposits, I think it not improper to place you in possession of the general considerations which induced me to take that liberty. By my oath of office I am not only bound to support the constitution of the United States, but to guard, protect, and defend it, to the best of my abilities. Mr. Clays resolutions arraigning and trying me without a hearing violates the rights of the House of Representatives, to which as the grand Inquest of the Nation, exclusively belongs the power of impeachment.

The Senate being the tryers of all officers impeached under the constitution of the United States, are expressly denied the right of originating impeachments, and cannot assume it without usurping the powers conferred upon the other coordinate Branches of the Government. Yet in defiance of these plain injunctions of the constitution, those

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resolutions were introduced in the Senate and acted upon by that body; and according to their language I was declared guilty, of violating the laws and constitution, notwithstanding the House of Representatives had not impeached me, and I was deprived of the privilege secured to every American citizen of being heard in defence.

I protested against so glaring an attempt to violate the constitution and deprive me of my individual rights, but the Senate refused to receive my protest upon their journals. Col Benton animated by a proper sense of the outrages thus committed by the Senate moved to expunge the illegal proceedings from its journals. Judge White from my own state did not feel himself called on to take part in my defence but moved to strike out the word expunge, and all the reasons on which Col Bentons motion rested. Into his motives for this step I do not enquire, and have no disposition to interfere with the independent exercise of his official [rights]. Thus left without defence how was I to guard, protect and defend my constitutional rights, but by making known to the people how and where in they had been violated? If this was the only mode within my reach, and I am acquainted with no other, it is manifest that the circulation of Col Bentons speeches was not only proper in its self, but was demanded by my public duty to the country. Those speeches discussed the great principles involved in the proceedings of the Senate and their perusal certainly endangered no political right of the people or of their representatives.

But independently of the special reason which existed in this case I hold myself as clothed legally with the privilege of circulating under my frank any documents or papers which I deem useful to the country or which are designed to furnish expositions of the public questions which grow out of the Legislative or Executive proceedings of the day. To those who are familiar with the freedom and latitude with which the franking privilege of the members of congress has been resorted to, to circulate the arguments of the Bank and other interests in conflict with the measures I have deemed it my duty to pursue, it must be a matter of surprise, to hear that the great right of self defence has not been exercised by me without exciting discontent. Such discontent I am sure has never been

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felt or manifested by any person really friendly to the principles I have supported or to the public cause with which I am identified. . . .